

REMARKS

The present application was filed on December 4, 2000 with claims 1-27. Claims 1-28 are pending in the present application and claims 1, 11, 14, 18 and 28 are the pending independent claims.

In the outstanding Office Action dated April 21, 2004, the Examiner: (i) rejected claims 1-3, 7, 8, 11, 13, 18-20, 24, 25 and 28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0083433 to Yamanaka (hereinafter “Yamanaka”); (ii) rejected claims 4, 12 and 21 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of U.S. Patent No. 4,570,221 to Martens (hereinafter “Martens”); (iii) rejected claims 5 and 22 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of U.S. Patent No. 6,564,380 to Murphy (hereinafter “Murphy”); (iv) rejected claims 6 and 23 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of U.S. Patent No. 6,397,219 to Mills (hereinafter “Mills”); (v) rejected claims 9 and 26 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of Murphy and U.S. Patent No. 6,317,151 to Oshuga et al. (hereinafter “Oshuga”); (vi) rejected claims 10 and 27 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of Murphy and U.S. Patent No. 6,564,368 to Beckett et al. (hereinafter “Beckett”); and (vii) rejected claims 14-17 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of Beckett.

With regard to the rejection of claims 1-3, 7, 8, 11, 13, 18-20, 24, 25 and 28 under 35 U.S.C. §102(e) as being unpatentable over Yamanaka, Applicants assert that Yamanaka does not qualify as prior art for the present application. Yamanaka has a filing date of March 23, 2001. Applicants assert that the filing date of the present application is December 4, 2000. The Office Action provides an incorrect filing date of March 29, 2001. Copies of two postcards are attached hereto indicating the filing of the present application and its supporting documents on December 4, 2000. A Response to a Notice of Incomplete Nonprovisional Application was filed on March 29, 2001, which originally addressed this incorrect filing date. This document is also attached hereto. Applicants request that the Examiner change the filing date of the present application to December 4, 2000. Should these documents be insufficient to support a change of the filing date, Applicants request information from the Examiner as to what is otherwise required to effect such a change.

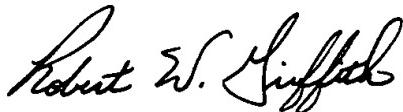
Attorney Docket No. SOM920000010US1

Accordingly, withdrawal of the rejection of claims 1-3, 7, 8, 11, 13, 18-20, 24, 25 and 28 under 35 U.S.C. §102(e) is therefore respectfully requested.

With regard to the rejection of claims 4-6, 9, 10, 12, 14-17, 21-23, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Yamanaka in view of numerous respective secondary references, Applicants assert that such claims are patentable for at least the reason described above with regard to Yamanaka. Accordingly, withdrawal of the rejections of claims 4-6, 9, 10, 12, 14-17, 21-23, 26 and 27 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-28 are in condition for allowance, and respectfully request withdrawal of the §102(e) and §103(a) rejections.

Respectfully submitted,



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Encl: Copies of two postcards of originally filed application  
Response to Notice of Incomplete Nonprovisional Application